

MINUTES OF THE MEETING OF THE BOARD OF PSYCHOLOGISTS

January 20, 2006

1. ORAL EXAMINATION ADMINISTRATION

10:00 a.m. to 11:03 a.m. - Closed to Public in order to administer the Oral Examination.

Congratulations were extended to the following candidates who received a passing score (80% or above) on the examination:

Wayne William Fisher
Raymond E. Gornell
Deborah Schrager Hoffnung
Cathleen C. Piazza

2. ROLL CALL

The meeting of the Board of Psychologists was called to order by the Chairperson, Dr. Jeffrey, at 11:03 A.M., in the Sixth Floor, Conference Room Z, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

Members

Louise Jeffrey, Ph.D.
Daniel Ullman, Ph.D.
Diane Miller-Ruhlman
Daniel Bizzell, Ed.D.
John Curran
Ann Heermann
Lori Wall, Ph.D.

Board Representation

- Chairperson
- Vice-Chairperson
- Secretary
- Member
- Member
- Member
- Member

Absent: None

Other(s) Present

Kris Chiles
Barbara Remmers

Agency Representation

- Section Administrator, Credentialing Division
- Investigation & Enforcement Division

3. INTRODUCTION OF NEW BOARD MEMBER

John Curran introduced himself as the newest member of the board and proceeded by sharing both personal and professional information about himself. The board members then introduced themselves as well.

4. ADOPTION OF AGENDA

Jeffrey suggested that the order of the agenda be amended and that part of the discussion under Agenda Item #10, be moved to follow Agenda Item #6.

MOTION: Bizzell moved, seconded by Miller-Ruhlman to accept the agenda as amended. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

5. APPROVAL OF MINUTES

After a brief discussion, it was determined that the minutes of the Psychology Board be amended to reflect the names of those who successfully pass the Nebraska State Board Examination. The November 2005 minutes will be corrected to show this additional information and the minutes from each subsequent meeting will include such information.

MOTION: Ullman moved, seconded by Bizzell that the minutes of November 14, 2005 be accepted with the amended information as identified above. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

6. INVESTIGATION INFORMATION – CLOSED SESSION

MOTION: Ullman, seconded by Bizzell to enter into closed session at 11:27 P.M., to hear discussions of investigative reports, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

12:01 PM	-	Ullman & Remmers departed the meeting in closed session
12:04 PM	-	Remmers joined the meeting in closed session
12:05 PM	-	Ullman joined the meeting in closed session
12:24 PM	-	Curran declared a conflict of interest and departed the meeting
12:24 PM	-	Wall departed the meeting
12:25 PM	-	Wall re-entered the meeting
12:35 PM	-	Bizzell declared a conflict of interest and departed the meeting
12:35 PM	-	Curran re-entered the meeting
12:37 PM	-	Remmers departed the meeting
12:55 PM	-	Heermann departed the meeting
12:57 PM	-	Heermann re-entered the meeting

7. WORKING LUNCH

8. DISCIPLINARY INFORMATION – OPEN SESSION

u **MOTION:** Miller-Ruhlman moved, seconded by Ullman to enter into open session at 1:04 P.M. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Bizzell (1). Motion carried.

1:04 PM	-	Bizzell re-joined the meeting in open session
1:04 PM	-	Board break
1:10 PM	-	Board began discussion in open session
1:10 PM	-	Several professional and public persons joined the meeting (Dr. Cole, Dr. Van Ham, Dr. DiLillo & other(s))

a. Actions Pending/Taken

Chiles stated that there has been only one disciplinary action taken since this Board's previous meeting. She identified that as being Charles Muiu, PhD, who in December 2005 received a censure and a civil penalty. She reported that the basis for the action was failure to report a DUI conviction within the required timeframe specified in statute (30 days following the conviction).

9. APPLICATION REVIEW AND BOARD DETERMINATION

a. Reinstatements

James Streur

Dr. Streur's failed to renew his "Special License" as a Psychologist in 2003. Reinstatement requirements are as follows:

- Evidence of completing 24 hours of continuing education within the 24 months prior to submission of the petition for reinstatement;
- Submission of two letters of recommendation from members of the public and two letters of recommendation from psychologists having knowledge of applicant's activities since the date of revocation; and
- Payment of the renewal fee and reinstatement fee.

Chiles stated that the application for reinstatement was received in September 2004. At that time the Department received only two letters of recommendation from members of the public, but has not, to-date, received the references from Licensed Psychologists. Chiles advised the board that during several conversations with staff in our office, Streur has indicated that he not kept in contact with any Psychologist, and therefore can not obtain the required professional references.

Chiles went on to state that due to the amount of time that has lapsed, since submission of this application, the continuing education is no longer within the two year time frame, as required for reinstatement. The Department has provided Dr. Streur written notice, on several occasions, advising him of the deficiencies that remain with regard to reinstating this credential, and have received no reply.

υ **MOTION:** Bizzell moved, seconded by Miller-Ruhlman, to deny the petition for reinstatement, based on the fact that the requirements for reinstatement have not been met (specifically submission of the professional recommendations). A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

b. Applications

Madalyn Allen

Jeffrey stated that she had reviewed the non-APA accredited Internship completed by Dr. Allen (applicant for a Temporary Psychology license as well as a full Psychology license). According to the application, the Internship ran from 9/27/1999 to 7/18/2000, making it two months short of the required twelve-month Internship.

Chiles was asked the status of the ASPPB reciprocity agreement; she indicated that the Department's Legal Division is reviewing the application. Jeffrey stated that it appeared that Allen would be eligible for licensure through the Reciprocity Agreement, and that the Legal Division be advised of the importance of completing the review of the Reciprocal Agreement Application. Chiles agreed to follow-up on the status.

υ **MOTION:** Miller-Ruhlman moved, seconded by Curran, that the application submitted by Dr. Allen be deferred until such time as we can determine the status of the Reciprocity Agreement. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

10. UNFINISHED BUSINESS

a. Board Newsletter update

Jeffrey stated that copies of the draft Board Newsletter was previously distributed. The Department's goal is to print and mail the newsletter in April 2006.

Discussion ensued regarding various articles in the newsletter. Chiles questioned whether the board wished to include a listing of those persons who have had disciplinary action taken against their Psychology license in the past. After a short discussion, it was determined that only the types of disciplinary action taken during the past year would be included, names of individuals would not be identified.

Chiles suggested that each board member review the draft newsletter and advise her within the next two weeks of any changes or corrections, so that she can make those changes, send an updated draft to the board and then be ready for publication.

b. 2005 Legislation

• Uniformed Licensing Law Rewrite

Chiles reported that on December 12, 2005, the Department was informed by the Governor's Policy Research Office that HHSR&L was not to pursue the introduction of the Uniform Licensing Law rewrite; no reason for such directive was provided. A copy of this notification (dated December 16, 2005) was provided to members of all boards.

• Psychology Practice Act Revisions

Chiles reminded the board that given the Uniform Licensure Law rewrite would not be pursued, the Psychology Practice Act is also put on hold.

• Proposed supervisor credentials for PLADC's and letter from the Board of Alcohol and Drug Counselors

Members briefly discussed the letter submitted by the Board of Alcohol and Drug Counselors (attached), relating to the criteria (developed by the Board of Psychologists) for a psychologist to supervise the practical training and work experience of an applicant for an alcohol and drug counselor license. The Board agreed that they currently rely on the integrity of the Licensed Psychologist to not become over-extended and also agreed that by including practical training students in the number of persons who can be supervised by a Psychologist (maximum of 4) may limit opportunities for students entering the field.

MOTION: Bizzell moved, seconded by Curran that the practical training student(s) be excluded from the limit of four (4) supervisees. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

c. 407 Review regarding Independent LMHP Practice (major mental disorder diagnosis)

Cole began his up-date by thanking Dr. Jeffrey for providing testimony to the 407 Committee. He stated that there was a split vote on the proposal. Cole stated that he has sent a letter to the Director of HHSS, Regulation & Licensure Division, Joann Schaefer, M.D. He went on to state that he had made and provided copies of the reply he received from Dr. Schaefer.

He pointed out that in her letter, emphasis is placed on the educational qualifications of an approved graduate training program, as being critical in practice in this area.

Cole stated that LB271 was introduced prior to the 407 Committee having completed its deliberation. He stated that this can occur, however, it violates the intent of the Health and Human Services Committee and why they want the 407 Committee to review any proposed legislation of this nature. According to

Cole, the original version of LB271 stated that Licensed Mental Health Practitioners would be able to provide for the diagnosis and treatment of severe mental illness without any consultation with a Psychologist or Psychiatrist. He stated that was amended by AM1802, which made changes in the licensure and renewal requirements.

If LB271 passes in its current form, it would mean that you would need only supervised experience, as opposed to coursework, in order to be able to provide diagnosis and treatment of such major mental illness.

Cole also stated that James Madison, representing the NPA and who is a member of the 407 Committee, has now made a proposal which includes the issuance of an additional certification to the LMPH (add-on) rather than a separate license.

d. Update on Supervision Workshop co-sponsored by Board/NPA

Jeffrey stated that the Nebraska Psychological Association collected feedback at the workshop and so she did not have access to comments made regarding the content of the workshop. She stated that she would be in contact with NPA to obtain some feedback. Chiles affirmed that she had not received any type of summary with regard to the workshop. Jeffrey said a number of Psychologists told her that this was the best workshop they had attended in a long while.

Jeffrey stated that she would like to see the board offer this as an annual event, free to practitioners, keeping to topics of general interest to Psychologists. Ullman stated that he liked the pre-test on new regulations. He suggested the topic for the next workshop might be 'Best Practices' in terms of substance abuse assessment and treatment. This item will be placed on the agenda for the March meeting for further discussion.

e. Other

None

11. NEW BUSINESS

a. Issues raised regarding direct service definitions – University of Nebraska-Lincoln Clinical Psychology Training program (CPTP)

Dr DiLillo, Associate Professor and Director of Clinical training at University of Nebraska-Lincoln reported that UNL is interested in starting a communication with the Board, regarding the implementation of the new licensing regulations, which went into effect in October 2004. He stated that specifically the types of post-doctoral, supervised activities that are accepted towards licensure were narrowed. He continued that it has become very difficult to accomplish the required 1,000 hours of direct service hours within the context of an academic position, for their new or entry level faculty, who have just recently been hired into their clinical program. Licensure was important to them as faculty, and as a program, and that in-fact, the majority of the faculty does hold current licensure; however, their concern is that over time, as they continue to hire new faculty, that these individuals are unable to become licensed, due to their inability to fulfill the direct service requirement.

UNL's proposal includes the following:

- ◆ Persons who are in full-time academic positions, be allowed to count all or some of the activities that they are engaged in, in their academic position. The ASPPB suggests that about 80% of the total required hours, be allowed to constitute academic type activity.
- ◆ Academic Psychologists, not be relinquished from the need to provide some type of direct services to clients. The recommendation is that the remaining 20% be involved in activities, such as direct therapy, assessment, activities that are currently defined as direct service activities.
- ◆ Persons in academics, be allowed to count those activities that are most directly related to the practice of professional psychology.
- ◆ Identification of four different activities that might count toward post-doctoral experience hours.

- Research activities that are directly related to clinical practice.
- Classroom teaching and preparation in graduate courses relevant to the professional practice of psychology.
- Supervision of doctoral graduate students conducting research in specific identified areas related to the professional practice of psychology.
- Supervision of students Clinical Practicum activities

There was further discussion regarding this issue.

2:18 PM - Van Ham departed the meeting
2:28 PM - Van Ham re-entered the meeting
2:30 PM - Public person departed meeting
2:32 PM - Public person re-entered the meeting

The board expressed concern that the proposal appears to limit the clinical exposure of faculty members and thus they would not be able to relate those kinds of experiences to the students. There is a need to provide the opportunity for the model described, that assures this board, that practitioners coming from such programs, are exposed to the kinds of activities that allow for the practice of Psychology in a reasonable manner.

Jeffrey advised that she considers the required 1,000 hours to be considered more a “floor” than a “ceiling” and that Psychology is, as a field, moving towards more independence, more responsibility, and more autonomy and that we are licensing persons to provide very critical types of services. It was the intent of the requirements to apply to all persons, regardless of the employment setting. For example, an individual who was in a teaching position and then begins providing services in the community may be ill-equipped to provide the clinical services, because of the limited activities they provided in the teaching position.

The board reiterated that the 1,000 hours of supervised experience does not seem unreasonable. Jeffrey stated that to her there is a big difference between teaching a course in Psychopathology and recognizing and treating it. It is her feeling that the clinical faculty should also have to see patients.

The board stated that they might look more towards lengthening the time period within which the required post-doctoral experience may be earned, rather than looking towards lowering the number of supervised experience hours required for licensure.

Ullman suggested that perhaps the Board could research how other state licensing boards are handling the issue of direct service.

Chiles advised that any changes in the requirements would require either a statutory change or regulatory change, depending on the suggested language. She continued by summarizing the steps in the regulatory process:

- Request for approval to draft regulations
- Drafting the regulations
- Request, through the Governor’s office, approval to schedule a public hearing
- Provide 30 day notice of the hearing
- Hold the hearing
- Review the hearing comments and revise if necessary
- Present to the Board of Health for approval (meets every other month)
- Forward to Attorney General for review and approval
- Forward to the Governor’s office for review and approval
- File with the Secretary of State (effective 5 days following filing)

At minimum, the process could take at least 9 months AFTER the draft is complete, before any new regulations would become effective.

After extensive discussion, it was suggested that this agenda item be re-visited at a future date.

- 2:56 PM - The board took a break
3:07 PM - The board resumed the meeting in open session

b. Correspondence

• ASPPB

Jeffrey advised that the ASBBP Board of Directors voted to amend the CPQ eligibility criteria such that successful passage of an oral examination will no longer be required to obtain the CPQ after June 1, 2006. She further stated that as a board, there is an opportunity to re-write the jurisprudence examination and asked that this item be placed on the agenda for the next meeting of the board.

• APA/NPA

No information to report.

- 3:37 PM - Van Ham departed the meeting

c. Other

Chiles reminded the board that a suggestion had been made, to put together a reference list for the Board Developed examination and suggested that the board keep this in mind as they discuss the direction they'd like to see the examination move towards.

Jeffrey indicated that Brad Shaff, Assistant Attorney General has resigned his position. Jeffrey thanked him on behalf of the board, for his hard work over the last year and to wish him the very best in his future endeavors. Bizzell suggested that the board consider sending him a letter of thanks, signed by Jeffrey as Chairman.

12. ELECTIONS AND APPOINTMENTS

• Officers

MOTION: Bizzell moved, seconded by Heermann to nominate Ullman as the Chairperson. No other nominations were made. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

MOTION: Miller-Ruhlman moved, seconded by Heermann to nominate Bizzell as Vice-Chairperson. No other nominations were made. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

MOTION: Heermann moved, seconded by Wall to nominate Miller-Ruhlman as Secretary. No other nominations were made. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

2006 Slate of Officers

Chairperson – Dan Ullman

Vice-Chairperson – Daniel Bizzell

Secretary – Diane Miller-Ruhlman

• Complaint Screener

MOTION: Wall, seconded by Curran nominated Wall as the Complaint Screener. No other nominations were made. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried. Ullman would act as secondary screener in the event that Wall had a conflict of interest with the interested party.

• **ASPPB Representative**

MOTION: Bizzell moved, seconded by Curran to nominate Bizzell as the ASPPB Representative. No other nominations were made. A roll call vote was taken. Voting aye: Bizzell, Curran, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

13. ADJOURNMENT

There being no further business, the meeting of the Board of Psychologists adjourned at 3:59 P.M.

Respectfully submitted,

Diane Miller-Ruhlman, Secretary
Board of Examiners of Psychologists

Summarized by: Cindy Kelley, Credentialing Specialist
Credentialing Division

**Next Meeting:
March 17, 2006**